

4.2 LAND USE

INTRODUCTION

This section of the EIR addresses potential impacts from the Fresno County General Plan Update on land use in two general areas: land use compatibility and plan consistency. Under land use compatibility, this section examines potential land use conflicts and nuisances, such as those from urban-rural conflicts. This section compares the Draft General Plan's consistency with other local plans, such as city general plans and environmental plans. This section also examines how the Draft General Plan might divide the physical arrangement of the established communities in the county.

Topics discussed in this land use section that overlap other sections of this EIR include: noise (i.e., land use compatibility) and agriculture (i.e., nuisance and encroachment).

ENVIRONMENTAL SETTING

Existing urban land characteristics are described in Chapter 1, Land Use and Population, of the *Fresno County General Plan Background Report (Background Report)* and development estimates for the Draft General Plan are presented in Chapter 2 of this EIR. These chapters are hereby incorporated by reference, and summarized below. Fresno County encompasses roughly 6,000 square miles, making it California's sixth largest county.

Agriculture, with 2,911 square miles, and resource conservation (includes national forests and parks and timber reserves), with 2,691 square miles, are overwhelmingly the predominate land use in the county -- occupying over 90 percent of county land. The 15 incorporated cities occupy the next largest amount of land with 154 square miles. Closely behind the cities is unincorporated residential land with 152 square miles. The last three categories include commercial (seven square miles), industrial (11 square miles), and unclassified lands such as highways, streets, and rivers (11 square miles).

Fresno County contains many constraints that may limit plan buildout. The primary constraint that could limit the buildout of the unincorporated areas to a lower level than anticipated by the community plans is the availability of funding for needed infrastructure improvements, especially for roads; the availability of a sustainable water supply; air quality regulations; flooding and other natural hazards; topography (especially in mountain communities) and other physical limitations such as rivers or political boundaries; and local and regional policies that seek to preserve productive agricultural land. Another factor that could limit growth in the unincorporated communities is the extent to which the incorporated cities absorb the projected increase in developmental pressures expected within the county.

REGULATORY SETTING

The County's primary regulatory tool for implementing the General Plan is the Zoning Ordinance. Fresno County's first zoning ordinance was adopted in 1938 as Ordinance 822. The current *Fresno County Zoning Ordinance* (Division VI of Part VII of the *Ordinance Code of the County of Fresno*) was adopted in 1960 and covers all of the unincorporated county. The Code has been amended many times since then, but has not undergone a comprehensive update since 1960. Zoning regulations clearly indicate the extent and type of development that can occur in the unincorporated areas (and hence holding capacity and buildout potential). A major difference between the general plan and zoning is that the General Plan provides guidance on the location, type, density, and timing of new growth and development over the long-term, while zoning determines what development can occur on a day-to-day basis. Both the land use designations of the general plan and the zoning classifications and development standards of the zoning ordinance have the effect of determining the holding capacity and buildout potential of the county.

The *Zoning Ordinance* establishes eleven residential designations, ten commercial, three industrial zones, and twelve other zones that are mainly related to agriculture, timber and other resource-related land uses. The purpose of the zones is to translate the broad land use categories established by the *Fresno County General Plan* into detailed land use classifications that are applied to property with much greater precision than the General Plan. The zoning classifications follow specific property lines and road alignments that correspond to the applicable General Plan categories. Working with the zoning classifications, the text of the *Zoning Ordinance* provides detailed regulations for the development and use of land.

PLAN ELEMENTS

The Draft General Plan contains the following policies aimed at reducing potential land use conflicts, promoting an efficient urban form, and ensuring consistency with local land use and environmental plans.

Policy LU-A.1 The County shall maintain agriculturally-designated areas for agriculture use and shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available.

Policy LU-A.7 The County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.

Policy LU-A.12 In adopting land uses policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.

Policy LU-A.13 The County shall minimize potential land use conflicts between agricultural activities and urban land uses through the provision of appropriate buffers or other measures.

- Policy LU-A.14 The County shall generally condition discretionary permits for residential development within or adjacent to agricultural areas upon the recording of the Right-to-Farm Notice, which is an acknowledgment that residents in the area should be prepared to accept the inconveniences and discomfort associated with normal farming activities and that an established agricultural operation shall not be considered a nuisance due to changes in the surrounding area.
- Policy LU-E.15 The County shall not designate additional land for Rural Residential or Foothill Rural Residential development, except for unique circumstances to be determined by the Board of Supervisors.
- Policy LU-E.17 The County shall consider redesignating undeveloped parcels ten (10) acres or larger in size to the Reserve designation if such parcels are located within the sphere of influence of a city and designated for future urban use on the city's general plan.
- Policy LU-E.18 In areas outside the sphere of influence of a city, the County shall encourage owners of parcels twenty (20) acres or larger in size to seek redesignation of their land for agricultural uses by establishing procedures that allow the related General Plan Amendment and rezoning applications to be processed without cost to the property owner provided that the property owner concurrently executes a California Land Conservation contract with the County.
- Policy LU-G.1 The County acknowledges that the cities have primary responsibility for planning within their LAFCO-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.
- Policy LU-G.2 The County shall encourage the cities to adopt policies consistent with Urban Development Policies LU-F.1 through LU-F.10 of this General Plan.
- Policy LU-G.3 The County shall encourage orderly outward expansion of urban development by only supporting city sphere of influence expansion proposals where the city has demonstrated a need for additional territory after documenting a good faith effort to implement an infill development program.
- Policy LU-G.4 The County shall encourage the cities to incorporate in their general plans County land use policies for neighborhoods that were established under County jurisdiction.
- Policy LU-G.5 The County shall encourage cities to incorporate in their general plans land use policies that minimize potential land use conflicts with agriculturally-related industrial operations and other agricultural activities at the urban interface through the provision of appropriate buffers or other measures.
- Policy LU-G.6 Within the spheres of influence, and two miles beyond, the County shall encourage consultation between the cities and the County at the staff level in the early stages of preparing General Plan Amendments and other policy changes which may impact growth or the provision of urban services. Staff consultations, particularly concerning community plans, shall provide for meaningful participation in the policy formulation process and shall seek resolution of issues prior to presentation to the decision-making bodies.
- Policy LU-G.7 Following city adoption of a community plan, the County shall update the applicable County-adopted community plan. Any unresolved conflicts between the County and city plans shall be identified for the decisionmaking bodies. The County shall establish and maintain land use controls on unincorporated lands within the spheres of influence consistent with the policies of County community plan and this countywide Land Use Element.
- Policy LU-G.8 The County shall promote consultation between the cities and the County at the staff level when cities are developing proposed annexation boundaries and proposed sphere of influence expansions.

Policy LU-G.9 The County shall encourage the cities to generally include in their annexation proposals only those parcels that are proposed for immediate development.

Policy LU-G.11 The County shall not approve any discretionary permits for new urban development within a city's sphere of influence unless that development has first been referred to the city for consideration of possible annexation pursuant to the policies of this section and provisions of any applicable City/County memorandum of understanding.

Policy LU-G.14 Within that portion of a city's planned urban boundary which the County has identified on its community plan as existing urban and which is within one-half (½) mile of the city, the County shall:

- a. Maintain zoning on existing fully-developed properties consistent with the County's community plan.
- b. Maintain zoning on undeveloped or underdeveloped properties consistent with the County's community plan if such properties are small in size and there is no conflict with provision LU-G.14c below.
- c. Maintain a "holding zone" on undeveloped or underdeveloped properties to minimize further urban development on properties which the County considers appropriate for annexation by the city. Criteria used to determine which properties will be placed in a "holding zone" include, but are not limited to, any one of the following:
 1. The property is adjacent to the city.
 2. The property adjoins a series or grouping of properties which are eighty (80) percent vacant and in aggregate contain a minimum of five (5) acres.
 3. The property is proposed for commercial or industrial use on the County's community plan, is at least two (2) acres in size, and abuts vacant property planned for a similar use.
- d. Refer all applicants for subdivision (except residential parcel maps), rezoning, and conditional use permits to the city for annexation.
- e. Consider additional urban development on properties previously referred to the city for annexation if such action is recommended by the city. Any such urban development must be consistent with the County's community plan.

Policy LU-G.15 Within that portion of a city's planned urban boundary which the County has identified on its community plan as existing urban and which is more than one-half (½) mile from the city, the County shall:

- a. Maintain zoning on existing fully developed properties consistent with the County community plan.
- b. Maintain a "holding zone" on undeveloped or underdeveloped properties to preclude further urban development. This zoning may be changed subject to provisions LU-G.15c and d below.
- c. Consider subdivision, rezoning, or conditional use proposals on planned non-industrial properties where the proposed use is consistent with the County community plan. As conditions of approval, the County may require: (1) community sewer and water service; and (2) completion of all roadways providing access to the development as if they were part of the development to the nearest fully developed street.
- d. Consider rezoning and conditional use permit proposals in planned industrial areas consistent with the County community plan.

Policy LU-G.16 On land that is not within a city's planned urban boundary but is within a city's sphere of influence, the County shall:

- a. Maintain zoning consistent with the countywide General Plan Land Use Element.
- b. Accept contracts in accordance with the California Land Conservation Program or some other similar program. It is the intent of the County to enter into California Land Conservation contracts on any existing parcel eight (8) acres in size or larger that is devoted to open space use.

Policy LU-G.17 The County may designate Special Commercial areas within one-half ($\frac{1}{2}$) mile of a city's sphere of influence at intersections of major roads where substantial existing commercial development at the intersection has rendered continued agricultural use of the corner portion of the subject property difficult or infeasible. The following standards and criteria shall apply:

- a. The Special Commercial designation should be allowed only where at least two (2) corners at the intersection are developed with permanent, legally established commercial uses.
- b. The Special Commercial designation should be limited to a maximum total road frontage of one-eighth ($\frac{1}{8}$) mile and a maximum size of two (2) acres per corner.
- c. The implementing zone for Special Commercial designations granted under this Section shall be the C-6(c) District, limited to uses which provide convenience goods or services to the surrounding area.
- d. Neither the operation nor the physical characteristics of the commercial development or any individual uses shall have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter ($\frac{1}{4}$) mile radius.

Policy LU-H.9 The County shall adopt minimum format and content guidelines for the preparation of updated and new regional, community, and specific plans to ensure consistency with the countywide General Plan.

Policy LU-H.10 The County shall periodically update regional, community, and specific plans to ensure consistency with the countywide General Plan.

IMPACTS AND MITIGATION MEASURES

Method of Analysis

The analysis of impacts for this section was conducted qualitatively. Since the county-wide General Plan Land Use Diagram contains no significant site-specific land use designation changes at this time, much of the analysis focused on the existing General Plan Land Use Diagram. The potential growth implications of the Land Diagram were examined against proposed General Plan policies that seek to remedy the potential impacts.

Standards of Significance

The significance of impacts on land use was determined by applying criteria found in Appendix G of the *CEQA Guidelines*. For the purposes of this EIR, a project is deemed to have a significant effect on the environment if it:

- conflicts with adopted environmental plans and goals of the community where it is located;

- results in significant land use and planning impacts if it substantially alters the type or intensity of land use on a proposed site, causing it to be incompatible with surrounding land uses or the overall character of the surrounding neighborhoods; or
- divides the physical arrangement of an established community.

Impacts and Mitigation Measures

4.2-1 Development under the Draft General Plan would not conflict with adopted environmental plans and community goals.

The most important local land use and environmental plans in Fresno County include the following:

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| • San Joaquin River Parkway Plan | • Kingsburg General Plan |
| • Fresno City General Plan | • Orange Cove General Plan |
| • Clovis General Plan | • Parlier General Plan |
| • Firebaugh General Plan | • Reedley General Plan |
| • Huron General Plan | • Sanger General Plan |
| • Mendota General Plan | • San Joaquin General Plan |
| • Fowler General Plan | • Selma General Plan |
| • Kerman General Plan | • Coalinga General Plan |

The Draft General Plan was designed specifically to achieve and promote consistency with the cities' general plans over time. Policies LU-G.2 and LU-G.4 encourage the cities to adopt policies consistent with the urban development policies of this General Plan. Policies LU-G.1, and LU-G.6 through LU-G.9 address coordination of the County and cities for sphere of influence expansion and annexation. Policies LU-G.2 and LU-G.4 address consistency between the County's and the cities' land use policies. Policies LU-G.13 through LU-G.16 address coordination among the county and cities for land within the planned urban boundary. Policies LU- C.2 and LU-C. 5 ensure consistency with the San Joaquin River Parkway Plan policies.

Although this Draft General Plan does not update regional and community plans that are legal part of the Fresno County General Plan, the General Plan does establish guidelines for when these plans are updated in the future. Policy LU-H.9 requires the County to prepare and adopt minimum format and content guidelines for the preparation of updated and new regional, community, and specific plans to ensure consistency with the county-wide General Plan. Policy LU-H.10 ensures that regional, community, and specific plans are periodically updated and consistent with the county-wide plan.

As discussed in Chapter 2, Project Description and Demographic Characteristics, over 90 percent of the growth anticipated in Fresno County would occur within the cities and their spheres of influence. Each city within the county has an adopted General Plan and Zoning Ordinance, as well as other plans. Under State law (Government Code Sections 65860, 66474 and 66474.61 and case law) new development within the cities must be consistent with their adopted general plans.

The Draft General Plan adequately addresses coordination among the County and local jurisdictions as well as consistency among the general plans, environmental plans, and community goals. Local jurisdictions must also ensure that development is consistent with their plans and policies. Therefore, the impact is considered ***less than significant***.

Mitigation Measure

4.2-1 None required beyond Draft General Plan Policies LU-G.1, LU-G.2, LU-G.4, LU-G.6 through LU-G.9, LU-G.13 through LU-G.16, LU-C.2 through LU-C.5, LU-H.9, and LU-H.10.

4.2-2 Development under the Draft General Plan would likely increase the potential for residential-agricultural and urban residential-rural residential conflicts.

Under the Draft General Plan, approximately 37,700 acres in the county would be developed for residential and non-residential uses from 1996 to 2020. The General Plan and the development review and approval process generally seek to locate land uses adjacent to one another so that they are compatible, related, mutually supportive, and similar in the amount of traffic they generate. In some cases, however, existing land use patterns, the timing of development on properties with different owners, environmental constraints, or other factors, prevent new land use patterns from providing a "gradation" of uses that help to achieve compatibility.

The county-wide General Plan Land Use Diagram designates land in several areas for uses that could be incompatible with adjacent designations. The most common examples are where residential uses are directly adjacent to nearby agricultural operations and where urban residential uses and rural residential uses are adjacent.

Policies LU-A.1, LU-A.12, LU-A.13, and LU-A.14 require that the County minimize potential land use conflicts between agricultural activities and urban land uses through application of land use regulations consistent with the Fresno County Zoning Ordinance, Right-to-Farm Ordinance, and other development regulations.

Policy LU-G.5 encourages cities to adopt land use policies that minimize land use conflicts with agricultural uses at the urban interface.

The Draft General Plan establishes several policies that seek to limit designations of new rural residential areas. Ultimately, this will reduce the number of new rural residential lots created, thus reducing future potential conflicts with urban development. Policy LU-E.15 restricts designating additional land for rural residential uses. Policies LU-E.17 and LU-E.18 encourage the redesignation of rural residential lots to other uses such as agriculture.

The Draft General Plan adequately addresses incompatibility issues among County land uses such as residential, rural residential, and agricultural. Therefore, the impact is considered less than significant for the County. However, the County cannot ensure that similar measures would be adopted or enforced for development (whether related to the Proposed Project or not) within cities under whose jurisdiction most of the future growth would occur. Therefore, the impact is considered ***significant***.

Mitigation Measures

4.2-2 *No mitigation is required beyond Draft General Plan Policies LU-A.1, LU-A.12 through LU-A.14, LU-G.5, LU-E.15, LU-E.17, and LU-E 18 for Fresno County. No mitigation measures are available to the County to reduce impacts occurring within the cities' jurisdiction.*

Although Draft General Plan policies would reduce impacts related to potential incompatibilities between new development occurring within the County's jurisdiction, the County cannot ensure that similar policies are adopted or implemented for development within the cities' jurisdiction. Therefore, the impact is considered significant and unavoidable for development outside of the County's jurisdiction.

4.2-3 The Draft General Plan would not divide the physical arrangement of an established community.

Although there are no substantial changes to the land use diagram, the Draft General Plan does contain minor changes in land use designations and development standards. However, these changes to the General Plan would not significantly alter the density/intensity of development. Furthermore, the Land Use Diagram includes no potential disruptions to existing communities, in that it reflects historically planned land uses and adopted County plans and City General Plans. Therefore, the Proposed Project would result in a ***less-than-significant impact***.

Mitigation Measures

4.2-3 *None required.*

Cumulative Impacts

For land use, there is no cumulative context to assess land use consistency and compatibility issues, because the effects are entirely localized, and would not combine with similar effects in other locations. Therefore, there are no cumulative land use impacts. However, the conversion of agriculture land or open space to developed uses could result in cumulative impacts related to loss of important farmland, loss of biological resources, and other environmental effects. Cumulative impacts related to these issue areas and others are discussed in their respective sections in this chapter (Chapter 4).